

Judge : Zatkoff, Lawrence P.  
DECK : S. Division Civil Deck  
DATE : 09/06/2005 @ 12:35:44  
CASE NUMBER : 2:05CV73425  
CMP DAVID KIRCUER, ET AL V. CITY  
OF YPSILANTI, ET AL, TAM

United States District Court  
Michigan, Southern Division

MAGISTRATE JUDGE MORGAN

David Kircher and Martina Gloster Plaintiffs

v.

City of Ypsilanti, Charles Boullard, Jon Ichesco, Officer Dorsey,  
one unknown John Doe Ypsilanti police officer and Ed Korysno  
City Manager, all individually and in their official capacity  
Defendants

#### COMPLAINT

1. Plaintiff reside at 50 S Summit St. Ypsilanti, Mich.
2. Defendant is the City of Ypsilanti, a Municipal Corp.  
organised and existing under the laws of the state of Michigan
3. Defendants, employees of the city of Ypsilanti at all  
times acting under color of law and color of the authority in  
their capacity of employees of defendant city.
4. Defendants Boullard, Ichesco, and Police officer Dorsey  
were acting under color of law and color of their  
authority as officials of defendant city.
5. Defendant Korysno, as City Manager is responsible to  
see that these officials and officers are trained and  
competent to carry out their duties.
6. This suit is brought pursuant to 42 USC and 1983 and  
this court has jurisdiction under 28 usc sec . 1343.

2.

7.

On Sept 5 2002 Officers and Officials searched and a evicted plaintiffs from 49 S. Summit, City of Ypsilanti, and boarded up the house.

8. Further Defendant Boullard had the water shut off

at this address forcing ~~defendant~~ plaintiff to carry water to use the premises, depriving them use of the property without notice or opportunity to be heard.

9. Further there are other instance where the city has

followed these procedures showing a policy of violation of due process protected under the 14 th amendment of the U.S. Constitution where there was no notice or opportunity to be heard.

10. Entering the house and boarding it violated plaintiffs

Federally protected civil rights 42 US 1983 and damaged ~~plaint~~ plaintiffs in excess of one hundred thousand dollars.

11. Defendant City was negligent in training <sup>ing</sup> these employees, resulting in this occurrence.

12 Plaintiff requests trial by jury of this matter.

13. Wherefore plaintiff requests judgment against defendants and each of them for general damages, triple damages if allowed, ~~damages~~ for mental duress, interest, costs, other relief as the ~~court~~ court deems proper.

9-3-05

*David Kircher* X *Martina S. Gloster*  
Martina C. Gloster

David Kircher  
50 S. Summit, Ypsilanti, Mich.

CV. 11/04)

## CIVIL COVER SHEET County in which this action arose

WASHTEANUS 26161

JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

DAVID KIRCHER  
MARTINA GLOSTER

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

WASHTEANUS  
26161

(c) Attorney's (Firm Name, Address, and Telephone Number)

pro per

## DEFENDANTS

CITY OF UPSILONTE AEL

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question  
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State

PTF

DEF

☒ 1☒ 1

Incorporated or Principal Place of Business In This State

PTF

DEF

☐ 4☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

## CONTRACT

- ☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
☐ 153 Recovery of Overpayment of Veteran's Benefits  
☐ 160 Stockholders' Suits  
☐ 190 Other Contract  
☐ 195 Contract Product Liability  
☐ 196 Franchise

## REAL PROPERTY

- ☐ 210 Land Condemnation  
☐ 220 Foreclosure  
☐ 230 Rent Lease & Ejectment  
☐ 240 Torts to Land  
☐ 245 Tort Product Liability  
☐ 290 All Other Real Property

## TORTS

- PERSONAL INJURY**  
☐ 310 Airplane  
☐ 315 Airplane Product Liability  
☐ 320 Assault, Libel & Slander  
☐ 330 Federal Employers' Liability  
☐ 340 Marine  
☐ 345 Marine Product Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle Product Liability  
☐ 360 Other Personal Injury

- PERSONAL INJURY**  
☐ 362 Personal Injury - Med. Malpractice  
☐ 365 Personal Injury - Product Liability  
☐ 368 Asbestos Personal Injury Product Liability

- PERSONAL PROPERTY**  
☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property Damage  
☐ 385 Property Damage Product Liability

## PRISONER PETITIONS

- ☐ 510 Motions to Vacate Sentence  
**Habeas Corpus:**  
☐ 530 General  
☐ 535 Death Penalty  
☐ 540 Mandamus & Other  
☐ 550 Civil Rights  
☐ 555 Prison Condition

## FORFEITURE/PENALTY

- ☐ 610 Agriculture  
☐ 620 Other Food & Drug  
☐ 625 Drug Related Seizure of Property 21 USC 881  
☐ 630 Liquor Laws  
☐ 640 R.R. & Truck  
☐ 650 Airline Regs.  
☐ 660 Occupational Safety/Health  
☐ 690 Other

## LABOR

- ☐ 710 Fair Labor Standards Act  
☐ 720 Labor/Mgmt. Relations  
☐ 730 Labor/Mgmt. Reporting & Disclosure Act  
☐ 740 Railway Labor Act  
☐ 790 Other Labor Litigation  
☐ 791 Empl. Ret. Inc. Security Act

## BANKRUPTCY

- ☐ 422 Appeal 28 USC 158  
☐ 423 Withdrawal 28 USC 157

## PROPERTY RIGHTS

- ☐ 820 Copyrights  
☐ 830 Patent  
☐ 840 Trademark

## SOCIAL SECURITY

- ☐ 861 HIA (19351)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))

## FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)  
☐ 871 IRS—Third Party 26 USC 7609

## OTHER STATUTES

- ☐ 400 State Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 450 Commerce  
☐ 460 Deportation  
☐ 470 Racketeer Influenced and Corrupt Organizations  
☐ 480 Consumer Credit  
☐ 490 Cable/Sat TV  
☐ 810 Selective Service  
☐ 850 Securities/Commodities/Exchange  
☐ 875 Customer Challenge 12 USC 3410  
☐ 890 Other Statutory Actions  
☐ 891 Agricultural Acts  
☐ 892 Economic Stabilization Act  
☐ 893 Environmental Matters  
☐ 894 Energy Allocation Act  
☐ 895 Freedom of Information Act  
☐ 900 Appeal of Fee Determination Under Equal Access to Justice  
☐ 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC § 1983

Brief description of cause:

Due Process - Elit.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

100,000.-

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9-6-05

SIGNATURE OF ATTORNEY OF RECORD

D. Kircher

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

☐ Yes

☒ No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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